Single Bench

(3)

IN THE HIGH COURT OF CHHATTISGARH
AT: BILASPUR

W.P. No. 4832 OF 2004

PETITIONER: Khushi Ram Verma, aged 63 years, son of late Shri Raja Ram Verma, resident of village & post office Mopka, Tehsil Bhatapara, District Raipur (Chhattisgarh).

VERSUS

RESPONDENTS: (1) State of Chhattisgarh, through the Secretary, Department of Revenue, Raipur.

(2) The District Collector, Raipur (C.G.)

(3) Sub Divisional Officer, Bilaigarh, district Raipur (C.G.)

(4) Tehsildar, Kasdol, district Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS AND FOR OTHER SUITABLE WRIT, ORDER, AND DIRECTION.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No. 4832/2004

मामला क्रमांक ..... सन् 200

52

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

09.10.2006

Shri Somnath Verma, counsel for the petitioner.

Shri Arun Sao, Govt. Advocate, for the State/respondents.

Arguments heard.

Order dictated as follows:

ORDER

(9.10.2006)

Sunil Kumar Sinha, J

The petitioner, who is a retired Patwari, has filed this petition for issuance of direction to the authorities of the State to make his final payment pertaining to arrears of salary, increments, post retiral benefits like pension and other allowances payable to him as an effect of his superannuation.

The brief facts, which are almost admitted in this case, are that the petitioner was retired on 31.3.2003 and thereafter, he is running from pillar to post on account of non-payment of retiral benefits as also arrears of salary etc. When nothing was paid, he was constrained to file this petition on 10.12.2004.

Reply to the writ petition has been filed by the State. In para-2 of reply, it has been mentioned that the petitioner remained absent from duty from 01.4.1994 to 30.6.1994, 12/1994 to 2/1995, 3/1995 to 10/1995, 1.12.1998 to 30.9.1999, 20.5.2002 to 6.8.2000 and April 2002 to March 2003 without assigning any cause and/or without giving any application for leave. Therefore, his salary for the said period was withheld and he was asked to make appropriate application for the said periods, which he did.

P.T.O.

(53)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4832 **सन् 200** 4

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Thereafter, his case was forwarded to respondentno.2 by respondent no.3 for sanctioning the leave and for preparation of pension case and in fact, the delay was caused because of non-filing of the applications for those periods in time by the petitioner. The State has also filed a document Annexure R-1 which goes to show that on 19.3.2004, the Sub-Divisional Officer, Bilaigarh, Distt. Raipur (C.G) has sent a memo to the Collector (Land Records), Raipur, in this regard.

Learned counsel for the State submits that after filing of the appropriate application in this regard, some delay has been caused, but his submission is that he has received information that the case of the petitioner is being finalized very soon and it shall be finalized within a very short period and the grievance of the petitioner would be redressed. This Court does not know as to what is the short period of the State, but it knows well that when the retiral dues of an employee, particularly, a low paid employee, are not paid in time, he/she in his/her old age, faces much hardship even after earnings made by him/her, after rendering his services to the master particularly to the State as in the present case. This hardship must be realized by the authorities of the State while considering any case regarding finalization of retiral dues and also regarding finalization of the post-retiral benefits like pension etc.

Be that as it may, for the time being, respecting the assurance given by the State before passing any harsh order in this matter, I deem it appropriate to afford one opportunity to the

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(54)

मामला क्रमांक W.P. 4832 **सन् 200** 4

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

authorities of the State to finalize the case of the petitioner and for this I grant 4 months' time from the date of communication of this order, to settle the case of the petitioner which is pending before them.

It is made clear that if the case of the petitioner is not finalized, at any rate, within the said period by the State Authorities, the petitioner shall be free to approach this Court and in such an event he shall also be free to make a prayer in relation to payment of interest on the amount withheld, fixing personal liabilities on the concerned authorities of the State, in this regard.

With the aforesaid observations/directions, this petition stands finally disposed of at this stage.

Certified copy of the order shall be supplied to the State Counsel free of cost, who shall communicate the same to the authorities concerned so that the further delay may not occur in service of this order on the authorities. The petitioner may also communicate this order along-with a representation and a copy of this writ petition.

C.c. as per rules.

Sd/-
Sunil Kumar Sinha
Judge

P.T.O.